

REMARKS

The present application was filed on September 26, 2003 with claims 1 through 21. Claims 1 through 21 are presently pending in the above-identified patent application. The present amendment proposes to amend claims 1, 4, 5, 9, 10, 12, 13, 16, 17 and 21; and to cancel claims 3 and 5, 15, without prejudice. This Amendment After Final Rejection is submitted with a Request for Continued Examination, and should be entered.

In the Office Action, the Examiner rejected claims 1-3, 5-15, and 17-21 under 35 U.S.C. §102(b) as being anticipated by Staples et al. (United States Patent Number 5,889,845) and rejected claims 4 and 16 under 35 U.S.C. §103(a) as being unpatentable over Staples et al. in view of McKendry et al. (United States Patent Number 6,021,176).

Independent Claims 1, 10, and 13

Independent claims 1, 10, and 13 were rejected under 35 U.S.C. §102(b) as being anticipated by Staples et al. Regarding claim 1, the Examiner asserts that Staples discloses routing the communication to the user based on a predicted presence of the user at one or more communication devices (abstract; FIGS. 1, 10, and 12-20; col. 2, line 40, to col. 3, line 67).

Applicant notes that Staples is essentially a tool for implementing a call forwarding feature. Using the system of Staples, a user can have calls forwarded to the user at a *single* remote location. Staples teaches that,

Once the remote user is connected, the virtual presence server instructs
20 the corporate PBX to automatically forward the remote user's office calls to the remote user at the remote location.
(Col. 2, lines 55-64.)

As Applicant submitted in the prior response, Staples does not disclose or suggest *predicting* the presence of the user at a plurality of communication devices, as disclosed in the present disclosure.
25 Rather, in Staples the system if directed to route communications to a remote location.

As indicated in the present specification, beginning at page 5 line 16

Once a presence pattern is detected, a call that is destined for the user during the associated time interval can be automatically routed to the user at the given communication device 110, 130. For example, a particular user might routinely turn on his or her cellular telephone each morning during a certain time interval, such as between 8 a.m. and 8:30 a.m., corresponding, e.g., to a time when the user is in a vehicle commuting to work. Thus, it is likely that the user will be present on the cellular telephone during this time interval and calls that are destined for

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the user during this interval should automatically be routed to the user's cellular telephone. Thereafter, once the user arrives in the office, it may be more likely that the user will be using his or her office telephone. The cellular telephone may actually be turned off by the user or may be out of service inside the office building. Thus, it may be likely that the user will be present on the office telephone during normal business hours, such as 8:30 a.m. until 5:00 p.m., and calls that are destined for the user during this interval should automatically be routed to the user's office telephone. It may also be observed that the user typically takes a break around 10 a.m., at which time the user generally carries a personal digital assistant (PDA) having a wireless network connection.

In any event, Claims 1 and 13 have been amended to emphasize that the predicted presence is based on a presence pattern indicating a probability of the user to be present on a *plurality* of communication devices at a given time. Similarly, claim 10 has been amended to emphasize that the pattern of behavior indicates a "likelihood that a user is present at the *plurality* of communication devices during a particular time interval." These amendments are supported in the original specification, for example, in FIG. 5 and the corresponding discussion.

In rejecting claims 4 and 16, the Examiner has acknowledged that Staples does not disclose a plurality of communication devices. See, Office Action, page 5, par. 4. McKendry was cited by the Examiner for its disclosure of the use of a plurality of communication devices (abstract). Applicant notes McKendry teaches that "the personal call manager selectively routes the incoming call to any combination of local extensions on the owner's premises." (Col. 4, lines 45-47.) McKendry, however, does not disclose or suggest predicting the presence of the user on a plurality of devices, as disclosed in the present disclosure.

Applicant notes that it would not be obvious to extend the call forwarding techniques of Staples to achieve the present invention. Neither Staples or McKendry discloses or suggests a "presence pattern" or a "pattern of behavior," as variously required by each independent claim.

Thus, Staples et al. do not disclose or suggest routing said communication to said user based on a predicted presence of said user at one or more communication devices, where the predicted presence is based on a presence pattern indicating a probability of the user to be present on a *plurality* of communication devices at a given time, as required by independent claims 1 and 13, and do not disclose or suggest detecting at least one pattern of behavior indicating a likelihood that a user is present at the *plurality* of communication devices during a particular time interval, as required by

independent claim 10.

Dependent Claims 2-9, 11-12 and 14-21

Dependent claims 2, 5-9, 11-12, 14, and 17-21 were rejected under 35 U.S.C. §102(b) as being anticipated by Staples et al. and claims 4 and 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Staples et al. in view of McKendry et al.

Claims 2, 4-9, 11-12 and 14, 16-21 are dependent on claims 1, 10, and 13, respectively, and are therefore patentably distinguished over Staples et al. and McKendry et al. (alone or in any combination) because of their dependency from independent claims 1, 10, and 13 for the reasons set forth above, as well as other elements these claims add in combination to their base claim.

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

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The Examiner's attention to this matter is appreciated.

Respectfully submitted,


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